

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**Khyati Andrews,**

Plaintiff,

v.

**Sears Holding Corporation,**

Defendant.

No. 08 C 406

Hon. Judge Guzman

**DEFENDANT’S MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE PLEAD**

Defendant Sears Holdings Corporation (incorrectly named Sears Holding Corporation) (“Defendant”), by and through its undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure (FRCP), respectfully moves the Court for an extension of time, up to and including Monday, February 25, 2008, to file their answer or otherwise plead in response to Plaintiff’s First Amended Complaint. In support of this motion, Defendant shows the following:

1. Plaintiff filed the instant action on or about January 17, 2008. Plaintiff then filed an amended complaint on January 25, 2008 and mailed notice of such to Defendant’s registered agent on the same day. At that time, the undersigned counsel had not yet filed an appearance. Thus, service was not effected until Defendant’s registered agent received notice.

2. Therefore, pursuant FRCP 6(d) and FRCP 15(a), Defendant’s response to Plaintiff’s First Amended Complaint is currently due on Monday, February 11, 2008.

3. Defendant respectfully requests an extension of time of fourteen (14) days, up to and including Monday, February 25, 2008, to answer or otherwise plead in response to Plaintiff’s First Amended Complaint.

4. Additional time will provide Defendant and its counsel an opportunity to

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Plead

thoroughly review the First Amended Complaint and prepare the appropriate response.

5. Defendant has requested this extension of time prior to the expiration of the original time period to respond to the Complaint.

6. Defendant has not previously filed a motion to extend time to answer or otherwise plead, and this Motion is made in good faith and not for the purposes of undue delay.

7. Counsel for Defendant contacted counsel for Plaintiff regarding the requested extension of time and Plaintiff's counsel did not express any objection.

WHEREFORE, Defendant respectfully requests that the Court extend the time allotted under FRCP 6(d) and 15(a)(3) by fourteen days, up to and including February 25, 2008, to answer or otherwise plead.

/s/Grady B. Murdock, Jr.

Grady B. Murdock, Jr. (#1992236)

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Terese M. Connolly (#6282685)  
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312.372.5520

Dated: February 1, 2008

**CERTIFICATE OF SERVICE**

I, Grady B. Murdock, Jr., an attorney, certify that a copy of the foregoing was served via the Court's ECF system on February 1, 2008, on the following:

Lisa R. Kane  
Darren A. Bodner  
Janice A. Wegner  
Michael S. Young  
Lisa Kane & Associates, P.C.  
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/s/ Grady B. Murdock, Jr.